

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 06-15

Resolution of the Board of Directors of the Metropolitan Transit System Adopting an Amended Conflict of Interest Code Pursuant to the Political Reform Act of 1974

WHEREAS, the legislature of the State of California enacted the Political Reform Act of 1974, Government Code section 81000 et seq. (the "Act"), which contains provisions relating to conflicts of interest which potentially affect all officers, employees and consultants of the Metropolitan Transit System ("MTS") and requires all public agencies to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in MTS being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

WHEREAS, the Board of Directors adopted a Conflict of Interest Code (the "Code") in compliance with the Act; and

WHEREAS, subsequent changed circumstances within the District have made it advisable and necessary pursuant to sections 87306 and 87307 of the Act to amend and update MTS's Code; and

WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Board of Directors of, the proposed amended Conflict of Interest Code was provided to each designated employee and publicly posted for review at the offices of MTS; and

WHEREAS, a public meeting was held upon the proposed amended Conflict of Interest Code at a regular meeting of the Board of Directors on December 14, 2006, at which all present were given an opportunity to be heard on the proposed amended Conflict of Interest Code.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT SYSTEM DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. All previous Conflict of Interest Codes adopted by the Board of Directors are hereby rescinded.

SECTION 2. The Board of Directors does hereby adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the General Counsel and available to the public for inspection and copying.

SECTION 3. The said amended Conflict of Interest Code shall be submitted to the Board of Supervisors of the County of San Diego for approval.

SECTION 4. The said amended Conflict of Interest Code shall become effective 30 days after the Board of Supervisors approves the amended Code as submitted.

PASSED, APPROVED AND ADOPTED this 14th day of December 2006:

AYES: Atkins, Clabby, Emery, Ewin, Falconer, Hanson-Cox, Maienschein,
Mathis, McLean, Monroe, Rindone,

NAYS:

ABSENT: Jones, Roberts, Young, Zarate

ABSTAIN:



Chairperson, Board of Directors
San Diego Metropolitan Transit System

Attest:

Approved as to form:



Clerk of the Board
San Diego Metropolitan Transit System



Office of the General Counsel
San Diego Metropolitan Transit System

Attachment: Proposed Conflict of Interest Code

Dec14-06.6.ATTA.CONFINTEREST.TLOREN

APPENDIX

CONFLICT OF INTEREST CODE **OF THE** **METROPOLITAN TRANSIT SYSTEM**

(Amended December 14, 2006)

EXHIBIT "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

MTS Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to MTS's Code, but are subject to the disclosure requirements of the Act. (Government Code Section 87200 et seq.). [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments¹:

Board of Directors and Alternates

Chief Executive Officer

Chief Financial Officer

Investment Consultant

¹ Individuals holding one of the above-listed positions may contact the FPPC for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPC makes the final determination whether a position is covered by § 87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Assistant Transportation Planner	2, 6
Associate Transportation Planner	2, 6
Budget Manager	1, 2
Business Manager – Marketing & Communications	6
Buyer	5
Chief Operating Officer – Bus	1
Chief Operating Officer – Rail	1
Communications Designer	6
Contract Services Administrator	6
Controller	1, 2
Copy Center Coordinator	5
Director of Governmental Affairs& Community Relations	1
Director of Human Resources and Labor Relations	6
Director of Maintenance	6
Director of Marketing & Communications	6
Director of Multimodal Operations	6
Director of Planning & Development	1, 2
General Counsel	1, 2
Manager of Human Resources	6

DESIGNATED EMPLOYEES'
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

Manager of Information Technology	6
Manager of Procurement	5
Manager of Real Estate Assets	1, 2
President & General Manager	1, 2
Procurement Analyst	6
Risk Administrator	6
Risk Management Coordinator	6
Senior Buyer	5
Senior Transportation Planner	1, 2
Storeroom Manager	5
Superintendent of LRV Maintenance	6
Superintendent of Transportation	6
Superintendent of Wayside Maintenance	6
Taxicab Administration Manager	6
Vice-President of Operations	1, 2

Consultant²

² Consultants shall be included in the list of Designated Employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The Chief Executive Officer may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this Section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chief Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

EXHIBIT "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of investments, business entities, sources of income, including gifts, loans and travel payments, or real property which the Designated Employee must disclose for each disclosure category to which he or she is assigned.

Category 1: All investments and business positions in business entities, and sources of income located in, that do business in or own real property within the jurisdiction of MTS.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of MTS.

Category 3: All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of MTS.

Category 4: All investments and business positions in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.

Category 5: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by MTS.

Category 6: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee's Department.